THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13574 of 2007

Dated:12.07.2007

Between:

Smt.S.Shobha, W/o.Simala Srinivasa Raju.

... Petitioner.

And

The State of Andhra Pradesh,
Rep.by its Commissioner Registration and Stamps Department,
Secretariat, Hyderabad,
And others.

... Respondent.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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ORDER:

The petitioner presented one sale deed, executed in her favour, for registration before the third respondent. The grievance of the petitioner is that the third respondent is not releasing the documents, though much time had elapsed.

Learned Counsel for the petitioner submits that once a document is presented, the registering authority is under obligation to process the same, and admit it to registration, if it is otherwise in order, and in case, any doubt or dispute exists, the reasons for not registering the documents are to be communicated.

Learned Government Pleader for Revenue, on instructions, submits that the registration is withheld on account of the fact that the lands in question are owned by a Religious Institution, by name, Hatheeramji Mutt.

It is no doubt true that a registering authority does not have the

power to verify or adjudicate upon the title, as regards the property, which is covered by the documents presented before him for registration. Section 22-A of the Registration Act, 1908, as it existed, was held to be *ultra vires*, and even a notification issued thereunder prohibiting registration of the plans mentioned in it were held untenable.

In the recent past, the Andhra Pradesh State Legislature added Section 22-A with a different content through Act 19 of 2007. The purport of this Section is that the registering authority can deny or refuse registration not only in respect of the properties mentioned in a notification issued under the relevant provision, but also, those held by Religious Institutions, State Government or Central Government etc.

Even if there exist any reasons for not admitting the documents for registration, the authority must communicate the same to the parties, and the documents cannot be kept pending, indefinitely. Such a course would be opposed to the very scheme under the Act, and the Rules made thereunder.

For the foregoing reasons, this Writ Petition is disposed of directing that:

a) In case the documents presented by the petitioner are otherwise in order, and the registration thereof is not prohibited by any law, they shall be admitted to registration within a period of ten (10) days from the date of receipt of a copy of this order.

b) If, on the other hand, the third respondent is of the view that the documents cannot be registered for any reasons, he shall communicate the same in writing to the petitioner within the same time.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

12.07.2007
vs